

NOV 03 2004

Attorney's Docket No : 06816-051002 / CI: 2247-2A-C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eric Fossum, et al. Art Unit : 2612
Serial No.: 09/749,989 Examiner : Nelson Hernandez
Filed : December 26, 2000
Title : AN ACTIVE PIXEL SENSOR PIXEL HAVING A PHOTODETECTOR
WHOSE OUTPUT IS COUPLED TO AN OUTPUT TRANSISTOR GATE
(AMENDED)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

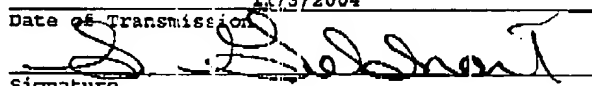
TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(b)

Pursuant to 37 CFR §1.321(b), CALIFORNIA INSTITUTE OF TECHNOLOGY, certifies that it is the assignee of the entire right, title, and interest in U.S. Patent Application No. 08/785,931, now U.S. Patent No. 6,166,768 by virtue of an assignment from the inventors. The assignment was recorded in the Patent and Trademark Office at Reel 8617, Frame 0100 on June 30, 1997 and the assignment recordation is attached hereto. California Institute of Technology also certifies that it is the assignee of the present U.S. Patent Application, which is a continuation application of the parent case, U.S. Patent Application No. 08/785,931 by virtue of the afore-mentioned assignment.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in California Institute of Technology.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission 11/3/2004

Signature

S. Gebhart
Name of Person Signing Certificate

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The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the present application No. 09/749,989 subsequent to the expiration date of U.S. Patent No. 6,166,768, whereby the patent granted on the present application No. 09/749,989 and U.S. Patent No. 6,166,768 will expire on the same day, provided that any patent granted on the present application No. 09/749,989 shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,166,768.

The assignee identified above does not disclaim any terminal part of any patent granted on the present application No. 09/749,989 prior to the expiration date of the full statutory term of U.S. Patent No. 6,166,768 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,166,768.

This disclaimer runs with any patent granted on the present application No. 09/749,989 and is binding upon the grantee, its successors or assigns.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

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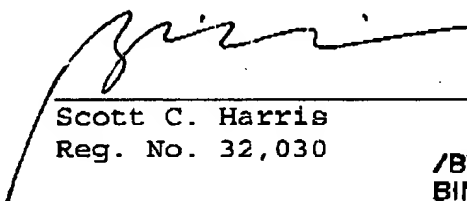
statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The \$110 Statutory Disclaimer fee is being paid herewith. Please apply any other applicable charges or credits to Deposit Account No. 06 1050.

Respectfully submitted,

Date: November 3, 2004

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